

NOTICES OF FIRMS.

FROM and after 1st January, 1874, the business of the undersigned will be incorporated, and carried on under the name and style of **NEWMAN & CO.**

WALTER NEWMAN
JOHN GITTINS.
At 1704, Fenchurch Street, London, E.C., 1873.

NOTICE.
The interest and responsibility of the late Mr. Charles Wilson Murray, in our Firm, ceased on the 18th August last.
At 1615, Hongkong, Oct. 1873.

THE interest and responsibility in our firm of Mr. John H. Smith ceased on the 30th of April last.
At 708, Hongkong, 1st May, 1873.

M. A. S. GORDON has this day been admitted a partner in our firm.
At 458, Tientsin, 1st January, 1873.

NOW READY

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By Dr. DEAN, with many Additions, Corrections, and Dr. WILSON'S Orthography.
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The Daily Press

HONGKONG, WEDNESDAY, NOVEMBER 6th, 1873.

In the course of the trial of Mr. Geo. Four, for accidentally shooting a Chinese coolie, who has recently terminated at Shanghai, Sir Edmund Hume, Chief Judge of the Supreme Court, made some important remarks with regard to Chinese testimony. He said that, after an experience of nearly 20 years with Asiatic witnesses, he might give the Jury the benefit of his own observation upon this subject. He never knew Asiatic witnesses who were capable of giving anything like correct answers to a long story. Their first account, especially if they belong to the lower class of society, is in his opinion generally the true one; and they are really unable to concoct a story or to learn by heart one concocted for them. In cross-examination they are utterly at sea, they don't understand it, or its object. To them it is but a continuation of the examination in chief; their desire is to give an answer to everything, and they search to see whether an answer is possible; they think they must give an answer at all events, and they often give a false one, or invent one, rather than not give one; but emphatically, it is, in Sir Edmund Hume's opinion, their first account which is really to be relied on. Such remarks, coming from so high an authority, and from one who is known as a rule to be shrewd and accurate in his observations, can scarcely fail to produce a great effect; but there is reason to fear that they are not quite accurate as applied to Chinese, though they may apply to Turks and other Asiatic witnesses with whom Sir Edmund has come into contact.

It is no doubt perfectly true that the first story told by Chinese witnesses is the only one that can be relied upon for consistency, but this does not touch the question whether in nine cases out of ten it can be relied upon for truth. The fact that they frequently break down on cross-examination cannot surely be taken as any reason for relying more upon their direct testimony than if they ordinarily stood the test of cross-examination fairly. As it was put by Mr. Robinson, the counsel for the defendant, the rule of evidence is that "if a man is found giving distinctly false testimony in one part of his evidence, the whole of it is considered vitiated, and it is certainly a very dangerous principle, though unfortunately it is too frequently acted upon, to take a statement as truthful merely because it seems consistent in its main particulars." A carefully concocted story will ordinarily have this particular kind of consistency, and so well known is this to those who have made the subject of evidence their study, that TAYLOR, in his work on the subject—then which, by the way, there is perhaps no more interesting philosophical treatise to be found, even for several readers—holds that it is a ground for suspecting testimony where the statements of a variety of witnesses are too closely identical. A case which was noticed by the defendant's counsel which is of the utmost importance, as showing how necessary close cross-examination is to the sifting of testimony. Evidence had been given in a perfectly consistent form by a variety of witnesses as to an occurrence at a supper, and it was only discovered to be fabricated on a question being put as to what was the bill of fare. On this the witnesses differed so widely in their statements, as to expose the conspiracy. An illustration might have been given nearer home, by an occurrence which one took place before Mr. Shawcross, the United States Consul-General at Shanghai. A series of witnesses had placed an occurrence at a certain hour in the morning, and suggesting their testimony, the Consul-General asked another witness who followed at what time the occurrence as it had been in the afternoon, and not in the morning. A vast number of other illustrations might be given, which go very strongly to prove that whatever may be the case with other Asiatics, the Chinese are capable of getting up very consistent and very long stories, which will defy the closest scrutiny of the law, except upon the principle that the inconsistencies in details throw great doubts upon the main facts. The celebrated conspiracy case in connection with the Sookwan murder here, is an instance of this strongly in point. At the first trial the prisoners were convicted of murder upon generally consistent testimony of the same character. It matters not what set of witnesses is believed, one set was telling a series of lies, and both gave equally consistent testimony through their lies which occupied some days.

Such undoubted facts go very strongly against the view propounded by Sir Edmund Hume, which appears to be wrong in consequence of his overlooking one fact, which makes the Chinese far more formidable as false witnesses than the other Asiatics with which he somewhat hastily classes them. The Chinese are possessed of memories unequalled by those of any other people in the world. A very noteworthy illustration of this was given at the trial of the observation

A mass of evidence, extending to the length of about a column of the smallest type in this paper, had been translated *vice versa* to a Chinese teacher, and upon being asked whether he had understood what was said clearly, he repeated giving a summarized version. He repeated from memory sentence by sentence the whole of the evidence which had been read out to him. The Chinaman in question had had no special training, and was probably not long remembered than the majority of his countrymen, whose memory, as is well known, is exercised to the utmost extent in their elementary school studies. It is, therefore, not correct to class men possessing this particular faculty with others who have the power of memory only ordinarily developed; and with people thus gifted, it must be peculiarly dangerous to take the general consistency of different accounts of an occurrence given by different witnesses as evidence of its truthfulness, if the witnesses deviate materially in cross-examination from their own previous statements or those of other witnesses.

A general knowledge of Asiatic forms but a very defective guide to understanding the Chinese. Of this, Sir Edmund gave a striking illustration himself in the case under notice, in a statement which he made to the effect that it was unlikely a Chinaman should have told the defendant to shoot at a bird, because the Chinese are averse to killing birds, or in fact anything. Any one who has been out shooting knows that the villagers are always willing to lead sportsmen to the place where birds of any kind are to be found, and take a keen interest in seeing them shot. This mistake is sufficient to show how impossible it is to judge of anything Chinese except by actual facts, and we cannot help thinking that if the Judge of the Supreme Court merely takes undoubted facts in connection with the Chinese, and not those applying to Asiatics generally, as his basis, he will see reason to modify the views which he recently expressed, as to the reliability to be placed upon the evidence in chief of Chinese witnesses.

The steamer *Agamemnon* left Shanghai on the 4th instant.

At 10.40 p.m. on Monday night, a false alarm of fire was given, through a Chinese coolie rushing up to the charge-room to report a "supposed fire in the charge-room, which turned out to be a fire between the upper and lower decks in a house there, in consequence of some water being spilled on the upper floor, which ran into the carpenter's shop below. The constable in question has got 14 days' extra duty for his blunder.

We are informed that the Hon. Mr. Justice Panncoote will leave by the 5th mail in December, to assume the post of Chief Justice of the Leeward Islands in the West Indies, under "The Leeward Islands Act, 1871." (An Act for the Federation and General Government of the Leeward Islands.) The old Colonies which form part of this new Confederation are Antigua, Montserrat, St. Christopher, Nevis, and Dominica, with their respective Dependencies, and the Virgin Islands. We understand that this is the final appointment made under the Act.

THE GERMANIA PERFORMANCE.
The community were indebted on Monday night to the members of the German Club for one of their delightful amateur performances, and we have much pleasure in congratulating them upon its complete success. The first piece given was the popular vaudeville "Guten Morgen Herr Fischer," which went off with the greatest spirit throughout. The plot of the play is very simple. Amundus, son of Herr Fischer, of Hamburg, is in love with Clara, the daughter of Dr. Hippo, a scientific old gentleman, who devotes his whole attention to the preparation of a marvellous elixir, and lives in Berlin, where the scene is laid. In order to gain an interview with his beloved, Amundus is brought in a basket, supposed to contain a present. It is opened in the presence of Aurora, old Hippo's wife, to whom Amundus sings a love song, intended for Clara, but which the old lady takes to herself. However, the promise silence on condition that Amundus returns to the basket, which she says she will have sent back. The amiable Aurora then leaves, and the Doctor and Guste, the servant girl, desiring to hide the subject of the basket, Amundus, however, drops it over into the river below. Amundus, however, had luckily got out as soon as Aurora left, and he was not at all in love with Clara, but with the whole attention to the Doctor's elixir, and the secret which he kept about it. On the 3rd instant the defendant came to the house, and after staying there a little time, he went away, and shortly afterwards he missed the basket, and when he came back, he found it empty, and when he complained, he was dropped the shoes. He caught him, and gave him into custody.

Defendant denied the charge. Two months' imprisonment.

THE "H. AND L."
Inspector Grimes charged D. Buzone, cook on board the French bark *H. and L.*, with being a stranger from his ship.

Complaint stated that the 3rd instant the master of the *H. and L.* called at the charge-room, and presented him with a piece of paper, having on it the names of B. Theodore, 42 years, M. L. Marie, 18 years, C. F. Victor, 15 years, and C. G. Victor, 12 years, and D. Buzone, 23 years. These men were reported to him as having deserted, and a reward of £2 was offered for the apprehension of either of the men whose names were on the paper. The master explained that the fifth man on the list (defendant) was the principal person he wanted, as he was the cause of the desertion of the others. He ordered two constables to go and look for the man, and at 12.30 p.m. the said constables brought the defendant to the charge-room, who said on his arrival that he was discharged from his ship, but that he had not got his discharge in his pocket, and he asked the constables to ascertain if that were true, but the Constable being out, he detained the defendant till this day (4th instant), when at 10 a.m. he sent the defendant to the 3rd instant, who came back and said the defendant had been regularly discharged. The Superintendent of Police gave him instructions to take the defendant before a Magistrate. 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